

support of this claim, the Appellant has submitted a photocopy of the fish ticket; a log book for the F/V DEBORAH ANN from 1985-1986; and a nautical chart covering the area in which he claims to have harvested the sablefish in question. The entries in the log book for April 12 - 15, 1986, specify LORAN readings that indicate where the vessel's longline gear was set on those dates. All of the readings are in the same area, which is clearly well outside state waters. The log shows that the vessel departed the area for Ketchikan on April 16, 1986¹ with an estimated 11,000 pounds of black cod [sablefish] and 2,000 pounds of "snapper" [rockfish]. The fish ticket shows that the Appellant delivered 9,864 pounds² of sablefish and 1,702 pounds of rockfish to a processor in Ketchikan on April 17, 1986.

In an letter accompanying the evidence submitted on appeal, the Appellant states that the location specified in the log book is the area "where we always fished for sablefish" and that he surmises that an error as to the statistical area was made by the fish buyer.

The Appellant did not submit any evidence as to landings he had claimed for other years, nor does he contest the Division's denial of his claim to certain other sablefish qualifying pounds landed from the F/V DEBORAH ANN.

FINDINGS OF FACT

I find, by a preponderance of the evidence, that:

1. The statistical area specified on the Appellant's April 17, 1986, fish ticket is erroneous.
2. The sablefish listed on this fish ticket were harvested in federal waters off Alaska, in IFQ regulatory area SE.

DISPOSITION AND ORDER

The portion of the Division's IAD that denied the Appellant's claim to a 1986 sablefish landing from the F/V DEBORAH ANN is VACATED. The remainder of the IAD is AFFIRMED. The Division is ORDERED to allocate to the Appellant 15,658 qualifying pounds of sablefish in regulatory area SE, and to issue to him the resultant QS and IFQ for 1996. This decision takes effect February 23, 1996, unless by that date the Regional Director orders review of the decision.

¹The entry lists the date as "4/16/85", but the actual date is obviously 1986. This is apparent from other dates and the sequence of entries in the log book.

²The pounds listed on the fish ticket are in net pounds. The NMFS official record shows these pounds, as well as the weights converted into round pounds, which totals 15,658.

In order to ensure that QS and Individual Fishing Quota [IFQ] is issued to the Appellant for the 1996 season, I recommend that the Regional Director expedite review of this decision and, if there is no substantial disagreement with it, promptly affirm the decision and thereby give it an immediate effective date.

Edward H. Hein
Chief Appeals Officer